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DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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**Massachusetts Department of Telecommunications & Cable
2011 Annual Report**

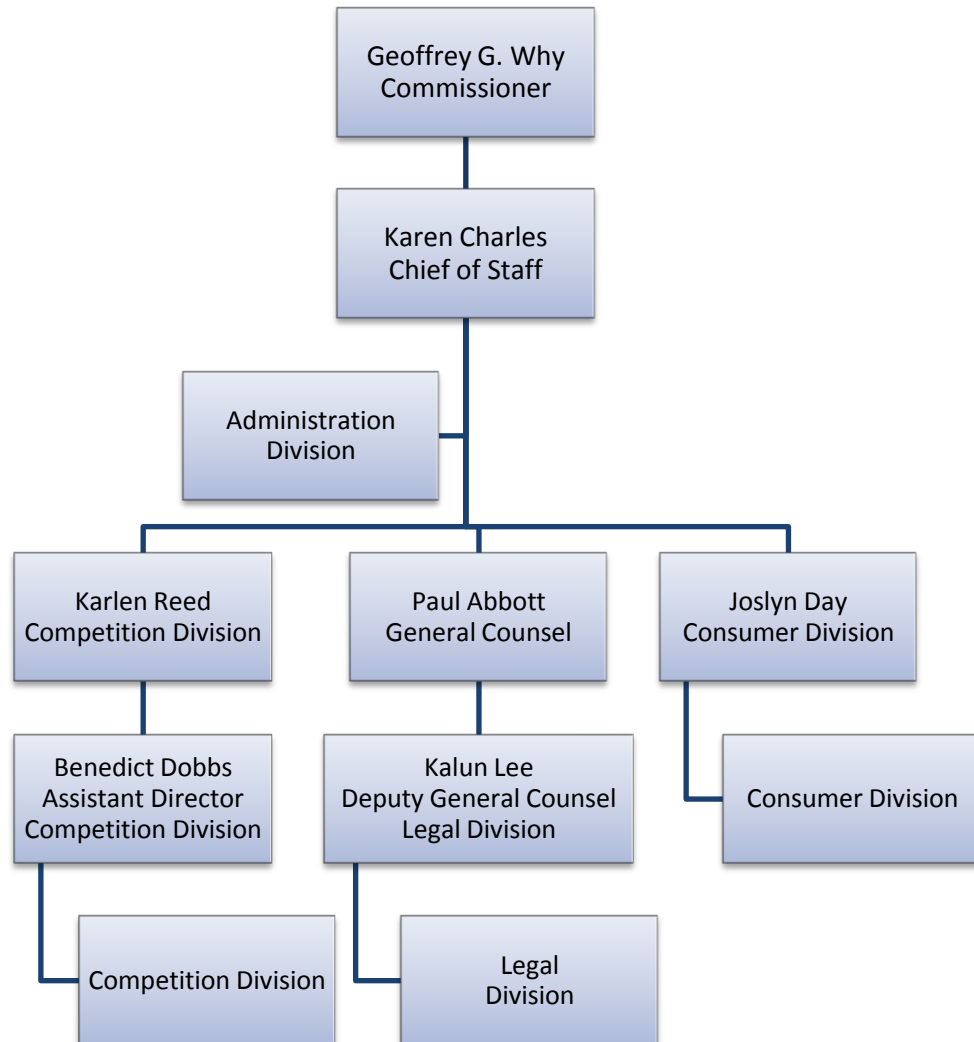
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Organizational Chart

2011

Department of Telecommunications and Cable



Background

The Department of Telecommunications and Cable (“Department”) is funded through an annual assessment by telecommunications and cable companies as authorized by the annual General Appropriations Act, line item 7006-0071 and pursuant to Chapter 25C, section 7 of the Massachusetts General Laws (“M.G.L.”) and Article 87 of the Acts of 2007. The Department’s operating budget for FY2011 was \$2.68 million. Any unexpended balances are credited to the following year’s industry assessment.

The telecommunications industry over which the Department has jurisdiction is made up of common carriers, including local exchange carriers, interexchange carriers, operator service providers, and pay-telephone companies. The cable industry in Massachusetts is comprised of 10 cable television providers serving over 2.1 million video subscribers in 308 of the Commonwealth’s 351 cities and towns.

The Department’s mission is to: (1) regulate the telecommunications and cable industries in accordance with the statutory obligations imposed by the Commonwealth of Massachusetts and the federal government; (2) ensure that consumers receive high quality communications at just and reasonable rates; (3) promote sustainable competition which will increase consumer welfare for all Massachusetts residents; (4) maintain and enforce consumer protections, consistent with the public interest, particularly where market forces alone are not sufficient to do so, including investigating and responding to inquiries and complaints from consumers and carriers; and (5) provide expert input into the development of telecommunications and cable related policies for the Commonwealth.

The Department’s general responsibilities are:

1) Protect Consumers

- Establish, educate and enforce basic consumer protections (e.g., the Department’s billing and termination requirements, including elderly disconnect rules);
- Mediate consumer complaints, including “cramming,” “slamming,” service quality and other complaints between residential, business, and municipal customers and their service providers;
- Coordinate with the State 911 Department to ensure access to quality telecommunications services for all Massachusetts consumers;
- Monitor and implement the federal Universal Service Fund (USF) programs, including the Lifeline low-income discount, high-cost Connect America Fund, E-rate and rural health care programs; and

- Review and, where appropriate, approve applications for “eligible telecommunications carrier” (“ETC”) status (ETCs must meet certain service obligations to be eligible to receive federal universal service funds).

2) Promote Competition

- Revise existing policies and develop new policies in response to new technologies and market conditions;
- Collect and compile data on the status of competition in the communications industries in Massachusetts;
- Develop and implement policies that promote competition in areas of the state where it lags;
- Develop and enforce policies to promote wholesale and retail competition; and
- Implement competition-related rule changes consistent with state and federal law.

3) Inform and Advocate

- Analyze major federal legislative and regulatory decisions to evaluate their impact on state regulation of the telecommunications and cable industries, and when appropriate, advocate on behalf of Massachusetts consumers before the Federal Communications Commission (“FCC”) and Congress;
- Explain Department regulations and policies; and provide other information as requested by consumers, carriers, public officials, the Legislature, the Administration, and others;
- Monitor and evaluate proposed state legislation, and provide recommendations to the Administration;
- Participate in regional and national regulatory associations to ensure that Massachusetts interests are represented; and
- Comply with periodic FCC reporting requirements.

Telecommunications Regulation

Regulatory Framework

The federal Telecommunications Act of 1996 (“Telecom Act”) led to major changes in the telecommunications industry and how it is regulated. The increase in competition, spurred in large part by technological innovation, required that the Department adjust its

regulations to reflect changes in market conditions and relax its regulations where market forces are sufficient to protect consumer interests, thereby ensuring that the Department continues to promote competition. However, where market forces are not sufficient to safeguard consumer interests, the Department has continued to enforce necessary protections.

The Department has jurisdiction over telecommunications services that originate and terminate within or between Massachusetts' two federally-designated "Local Access and Transport Areas" ("LATAs").¹ The FCC generally regulates interstate and international services.

Department Responsibilities

The Department's primary telecommunications-related responsibilities are:

1) Enforcing Service Quality Standards

The Department adopted a Retail Service Quality Plan for Verizon retail customers, consisting of twelve service measures in the categories of Installation Service, Maintenance Service, and Service Response. Verizon reports its performance on each of the measures to the Department on a monthly basis. If Verizon's performance falls below the Department's threshold, Verizon pays a penalty in the form of a refund to all residential and business customers. Verizon's service quality is also evaluated at the local level when the Department receives a formal complaint from city or town officials or customers. In 2009, after receiving several complaints from towns in Western Massachusetts, the Department opened a proceeding to investigate Verizon's service quality in the Western Massachusetts municipalities throughout Berkshire, Franklin, Hampden, and Hampshire counties. During 2010, the Department conducted six evidentiary hearings in connection with this investigation. In February 2011, the Department approved a settlement agreement submitted by Verizon and other parties to the case. As part of the settlement agreement, Verizon is assessing deficiencies of its wireline infrastructure and performing related repair work in most rural communities in Western Massachusetts to improve landline telephone service quality. The settlement agreement also subjects Verizon to additional reporting obligations and monitoring by the Department. During 2011, Verizon submitted two monitoring reports, which the Department reviewed. By continuing to monitor Verizon's quality of service, the Department ensures that Verizon, as the primary incumbent local exchange carrier in Massachusetts, allocates sufficient resources for the maintenance of quality service to all customers, regardless of the level of competition the company faces in a particular market.

2) Retail Regulation

In addition to maintaining retail service quality, the Department also develops and enforces policies to promote retail competition, including policies that relax regulation

¹ The Western Massachusetts LATA consists of the 413 area code; all other area codes in the State fall under the Eastern Massachusetts LATA.

where market forces are sufficient to protect consumer interests. The Department regulates basic Verizon retail services. The Department also regulates rates, services, and practices of four small rural incumbent local phone companies that are considered to have market power in their service territories. The Department also sets rates and monitors service quality for inmate calling services, and ensures that reasonable service quality is provided by all carriers.

3) Public Safety/Network Reliability Regulation

The Department helps to ensure adequate funding of the E-911 network (i.e., oversee the cost of the network and establish the retail surcharge to fund the network) and to provide oversight of the State 911 Department's expenditures, pursuant to Chapter 223 of the Acts of 2008. Additionally, the Department:

- Facilitates quick resolution of wholesale and retail service outages by working closely with carriers;
- Enforces Verizon's major extended service outage rules, which are intended to address prolonged outages affecting 200 or more customers;
- Periodically reviews the adequacy of carrier network reliability plans; and
- Enforces Verizon's central office collocations security rules.

4) Wholesale Regulation

Apart from building their own facilities to serve customers, carriers that wish to compete in the retail telecommunications market have two modes of entry available to them. One of these is to lease unbundled network elements from the "incumbent" local exchange carrier ("ILEC")² or another carrier and provide service over this leased network. Verizon is the ILEC for all but four towns in Massachusetts. The Department has authority over Verizon's wholesale provision of unbundled network elements to ensure that they are provided in a non-discriminatory manner, and regulates the rates at which they are leased. The other way a carrier can enter the market is to purchase a service from another carrier (usually Verizon) at a predetermined wholesale discount rate, then brand the service with its own name and resell it. The Department develops the wholesale discount rate for Verizon pursuant to FCC methodology.

The Department plays a key role in setting the wholesale and resale rates at which carriers can lease parts of each other's networks - this applies in particular to incumbent local exchange carriers' networks.³ Consistent with the Department's oversight of the wholesale telecommunications market, the Department will:

- Establish the terms and conditions under which facilities - based carriers interconnect their networks, exchange traffic and generally conduct their business relationships;
- Resolve disputes between competing carriers over wholesale rates and service issues;

² The ILEC is the entity that owned the network prior to the introduction of competition.

³ In Massachusetts, the State's primary incumbent local exchange carrier is Verizon Massachusetts.

- Establish and enforce wholesale service quality standards for Verizon through the Performance Assurance Plan so that Verizon does not discriminate against competing carriers in providing wholesale services;
- Set rates at which competitors can resell Verizon's retail services;
- Ensure that competing carriers do not create barriers to consumer choice (e.g., enforce number porting requirements).
- Enforce phone number allocation rules (i.e., monitor use of telephone numbers by carriers and promote number conservation to ensure an adequate supply of telephone numbers for the industry and to prevent the need for new area codes); and
- Coordinate with the Department of Public Utilities to ensure access to rights-of-ways for all carriers by establishing and enforcing rules concerning the rates and access to utility poles and conduits.

5) Market Entry and Exit Regulation

To reduce barriers to market entry and encourage competition for telecommunications service in Massachusetts, the Department has streamlined the registration process for companies wishing to do business as carriers within the State. Previously, the Department conducted an investigation into the financial, managerial, and technical abilities of a carrier to offer service. The Department now permits carriers to offer service based simply on the submission of a Statement of Business Operations and a tariff. The streamlined entry process permits the Department to devote greater resources and staff time to other responsibilities. Reviewing the new registrations from companies seeking to provide telecommunications services in Massachusetts and ensuring compliance with Department registration rules ensures quality service offerings. Monitoring market entry and exit includes:

- Reviewing individual tariff filings that would implement new service offerings or change the rates, terms or conditions of existing service offerings;
- Enforcing entry requirements to ensure that no carriers are operating illegally in Massachusetts; and
- Facilitating a smooth, orderly process when carriers discontinue services or exit the market entirely to prevent disruption of service to customers.

6) Payphone Providers

In addition to Verizon, some companies own and operate payphones in Massachusetts. In a 1986 Order, the Department held that all payphones must have labels clearly identifying the owner/operator of the phone, and must provide free access to 911 and directory assistance. The Department ensures that Verizon provides the lines necessary to provide payphone service on a non-discriminatory basis to all companies seeking to offer the service. During 2011, the Department registered no new payphone providers. Payphone providers are not required to file tariffs.

2011 Telecommunications-Related Accomplishments

During 2011, the Department conducted the Massachusetts Broadband Conference, held November 8, 2011 at Suffolk Law School, and hosted the Massachusetts Broadband Institute (“MBI”). The Department provided continued support to the development of Governor Patrick’s Broadband Initiative. This support included assistance to the MBI and its work to develop a “middle-mile” infrastructure in Western Massachusetts based on its successful federal BTOP grant and the \$40 million Massachusetts Broadband Incentive Fund. In addition, the Department provided support and guidance to MBI on various state and federal regulatory matters.

Cable Regulation

Regulatory Framework

Cable television is regulated at the local, state, and federal level. The Department regulates cable services principally pursuant to its enabling legislation, M.G.L. c. 166A, and implementing regulations at 207 C.M.R. § 1.00 et seq. In recent years, new entrants have emerged in the marketplace, such as competitive overbuilders and municipally-owned companies. Principal among these competitive providers are telephone companies that have begun offering video service, as well as high-speed internet service, in competition with incumbent cable operators. The cable industry is now a \$2.1 billion industry in Massachusetts providing service in 308 of the Commonwealth’s cities and towns.

Department Responsibilities

The Department’s primary cable-related responsibilities are:

- Oversight of cable television franchising, franchise renewal, and the transfer of cable franchises within the Commonwealth;
- Establish basic service tier programming, equipment, and installation rates for communities in Massachusetts that have requested rate regulation;
- Enforce consumer protection standards; and
- Collect, compile, and maintain statistical data from cable providers on, among other things, consumer complaints, rates, terms and conditions, market share, and financial performance.

Oversight of Municipal Cable Franchising

In Massachusetts, local municipalities act as the issuing authorities and negotiate and grant cable licenses, while the Department retains oversight authority in licensing matters. The Department conducts an extensive educational program for communities involved in the licensing process, regarding the applicable substantive and procedural requirements at the local, state, and federal levels. When licensing disputes arise at the local level, the Department serves as the appellate body.

Rate Regulation

The Department regulates subscribers' rates for basic service tier programming, equipment, and installation in those Massachusetts communities that: (1) have requested rate regulation; and (2) do not have effective competition, as determined by the FCC. The Department reviews the proposed basic service tier rates to determine whether such rates are just and reasonable and in compliance with applicable federal law. Pursuant to federal law, the Department does not regulate rates for expanded cable or premium services.

In 2011, the Department reviewed basic service tier programming, equipment, and installation rates in the 187 rate-regulated communities of Massachusetts. The Department issued several rate orders, with respect to basic service tier programming, installation, and equipment rates applicable in these municipalities.

Consumer Protection and Education

The Department investigates and resolves individual consumer complaints, either by informal negotiation between the consumer and the cable operator or by formal adjudicatory proceedings. The Department also tracks patterns of complaints in order to identify and resolve more widespread problems.

The Department has regulations designed to afford consumer protections to cable subscribers, particularly with respect to billing and termination of service. The Department requires each cable operator to make annual filings to ensure compliance with these consumer protection regulations. Through dedicated telephone lines, published consumer information, fact sheets, and a consumer-friendly website, the Department serves as a source of information for consumers seeking to understand the options available to them, particularly as competition among cable operators increases across the Commonwealth.

2011 Cable-Related Accomplishments

Cable-related accomplishments in calendar year 2011 include:

- **Basic Tier Programming and Equipment Rates**

As part of its regular review, the Department reviewed basic service tier programming and equipment rates for most rate-regulated Massachusetts communities in 2011.

- **Initial Licensing by Competitive Cable Provider**

In 2011, no Massachusetts communities granted an initial license to a Competitive Cable Provider. As of the close of 2011, 116 communities are being served by an Incumbent Cable Provider and at least one Competitive Cable Provider.

Administration Division

Overview

The Administration Division provides administrative support to the Department.

Division Responsibilities

Finance

The Division handles budget preparation and controls, purchasing, accounts receivable and accounts payable, payroll, and other administrative financial services. The Department's budget for Fiscal Year 2011 was \$2.68 million. Revenue collected during that same period was \$4.97 million of which \$1.75 million was returned to the General Fund from revenue sources that include telecommunications and cable filing fees.

Human Resources

In conjunction with the Office of Consumer Affairs and Business Regulation, the Division is responsible for payroll actions and human resource management.

Legal Support

The Division is responsible for publishing notices of all Department public hearings. In 2011, the Department conducted seventeen (17) public hearings. Thirteen (13) of these hearings were evidentiary hearings. The Division also processes all docket filings and Orders issued by the Department including management of record retention. Staff issued thirty-two (32) decisions as follows: twelve (12) final orders; nine (9) interlocutory orders; and eleven (11) hearing officer rulings in the Department's dockets in 2011. Additionally, staff responded to hundreds of requests for information regarding docketed matters.

Information Technology

Division staff oversees the operation of the information technology ("IT") systems, the telephone system, and the website. In 2011, IT staff completed infrastructure upgrades to the website and developed databases that facilitate management and tracking of tariffs and annual returns.

Communications

Division staff drafts consumer advisories on topical issues and develops educational materials for public dissemination. Staff also responds to substantive consumer inquiries.

Competition Division

Overview

Pursuant to Chapter 19 of the Acts of 2007, the Department's predecessor agency, the Department of Telecommunications and Energy, ceased to exist. Jurisdiction over telecommunications and cable matters was placed in the newly-established Department. All telecommunications and cable authority and cases were initially transferred to the Department's Telecommunications and Cable Television Divisions, respectively.⁴

Shortly thereafter, the Department merged the separate Cable and Telecommunications Divisions to form the Competition Division, in order to increase efficiencies by taking advantage of synergies created by convergence in these industries.

The Competition Division provides technical and analytical support to the Commissioner of the Department, as well as to the Department's Legal, Administration and Consumer Divisions and other Administration officials, in the regulation of the telecommunications and cable industries in Massachusetts. Through its various responsibilities, the Competition Division supports the Department's missions.

Division Responsibilities

Development of Policies that Promote Sustainable Competition and Conform the Level and Type of Regulation to Market Conditions

In conjunction with the Legal Division, Competition Division staff conducts formal and informal policy investigations to ensure that consumers of telecommunications and cable services continue to reap the benefits of competition and that such competition accrues to all residents of Massachusetts. In addition, Competition Division staff safeguards consumers by implementing new regulatory policies to ensure that the rates, terms, and conditions of telecommunications and cable services are just and reasonable, where market forces alone cannot do so. Competition staff drafted discovery questions to and reviewed discovery responses from companies involved in Departmental investigations throughout 2011. The Competition Division assisted the Legal Division staff in preparing and finalizing orders relating to on-going investigations. A developing body of regulatory actions which has absorbed much of the Competition Division's energies is the burgeoning list of ETC applicants by prepaid wireless providers for federal USF Lifeline and Link Up Support.

Analysis and Implementation of Major Federal Regulatory Changes

Decisions of the FCC, Congress, and state and federal courts affect the structure of the telecommunications and cable industries and the Department's authority to regulate

⁴ In 1971, the Legislature established the Massachusetts Community Antenna Television Commission ("Cable Commission"). In 1997, the Cable Commission was merged into the Department of Telecommunications and Energy as the Cable Television Division.

those services. Competition Division staff monitors large volumes of relevant case law and actions from other agencies and jurisdictions, both federal and state, to keep abreast of major issues that may influence the provision of telecommunications and cable services within Massachusetts. Competition Division staff also monitors broadband-related activities, since it is increasingly becoming the pipeline by which telecommunications and cable services are being provided to Massachusetts consumers and is a major focus of many FCC reform proceedings.

In 2011, Competition Division staff devoted substantial time assisting the Commission and other Department staff in developing and executing a day-long conference on broadband issues. This Conference, the Massachusetts Broadband Conference, took place November 8, 2011 at the Suffolk University School of Law in Boston. Governor Deval Patrick and FCC Commissioner Mignon Clyburn provided motivating, insightful keynote speeches at this program. OCABR Undersecretary Barbara Anthony offered a unifying welcome and introduction to the more than 140 telecommunications attorneys, analysts, advocates, academics and interested members of the public who attended this free program. Commissioner Clyburn's talk, "Transition of Universal Service from Phone to Broadband," addressed the soon-to-be-released federal reform rules regarding Universal Service. This vital program was cosponsored by the Massachusetts Broadband Institute, the Boston Bar Association, the Federal Communications Bar Association, the New England Conference of Public Utilities Commissioners, the Rappaport Center of Suffolk Law School, the Office of Consumer Affairs and Business Regulation, and the 706/FCC Federal-State Joint Conference on Advanced Telecommunications Services. This program featured panel discussions on sustainable broadband adoption and the economic development benefits of connectivity. Competition staff, along with nearly every other Department staff member, contributed significantly to this successful, well-received conference.

Competition Division staff also devoted substantial time towards reviewing and advocating before the FCC regarding its transformation of the Universal Service Fund (USF) to the Connect America Fund (CAF). In addition to educating Department, Administration and MBI staff regarding the key components of the proposed CAF transition plan, Competition Division staff prepared and filed comments and other advocacy filing pieces with the FCC regarding the CAF. This advocacy highlighted Massachusetts consumers and industry interests as they would be affected by proposed changes to the USF. The Competition Division participated in other FCC dockets, targeting those which affected the Department's ability to review and evaluate carrier petitions for Eligible Telecommunications Carrier (ETC) status. ETC status is necessary for carriers to receive high-cost or low income federal support from the USF/CAF. In 2011, the Competition Division, with assistance from Legal Division and Consumer Division staff as needed, submitted 15 sets of comments and ex parte filings in several proceedings of particular importance to Massachusetts. A list of these filings and their summaries are provided as Appendix C to this Report.

Review of New Registrations and of Original and Amended Tariff Filings

Companies wishing to do business and provide telecommunications services in Massachusetts must file a Statement of Business Operations and a tariff with the Department. The statement includes a general description of the services to be offered by the carrier; contact information for customers who need to reach the carrier with questions or complaints; and a statement that the company has made all appropriate federal and state income tax filings and paid all income taxes. During 2011, the Competition Division handled filings from 19 new carriers.

In 2011, the Competition Division also reviewed an average of approximately 33 tariff filings per month, including new tariffs and amendments to existing tariffs. Some tariffs are relatively short, but others are lengthy and complex. Competitive carriers are free to determine prices and service offerings based on what the market will bear (“market-based pricing”). The Competition Division reviews competitive carriers’ tariffs to make sure that they do not contain any terms or provisions that are in violation of Department policy (e.g., a carrier cannot offer service on the condition that a customer agrees not to contest any charges), but otherwise generally allows new tariffs to become effective as filed. Because Verizon is the primary incumbent local exchange carrier, its tariffs receive greater scrutiny than those of competitive local exchange carriers (“CLECs”), although most of Verizon’s rates are subject to market-based pricing.

Enforcement - General

The Competition Division, in cooperation with the Legal Division, enforces a wide variety of laws, regulations, and policies. In 2011, Competition Division staff continued to assist Legal Division staff as technical analysts in Department enforcement proceedings, both formal and informal. More specifically, the Competition Division continued to ensure that telecommunications and cable providers were complying with state statutes, rules, Department orders, and all other regulatory requirements. For example, the Competition Division conducted an annual returns investigation and enforcement actions against carriers operating without Department approval. The Department’s methods for ensuring compliance include mass mailings notifying the industry of Department rules and regulations; issuing Notices of Probable Violation (“NOPVs”); opening investigations; issuing Orders to cease and desist; and referring violators to the Attorney General’s Office for prosecution.

Market Monitoring and Reporting Function: Massachusetts Competition Report

The evolution of the telecommunications and cable industries in Massachusetts has resulted in many new telecommunications service providers, new technologies, such as fixed VoIP telephone service, and a plethora of new service offerings. In addition, the competitive landscape is constantly changing, with new types of competitors and individual companies taking on a greater or lesser role in the marketplace each year. Because of the changing nature of the telecommunications and cable industries, the Competition Division analyzes new technologies and market developments in order to determine their impact on consumers and the competitive marketplace. As the

culmination of a new Market Monitoring and Reporting Function established in 2007, the Competition Division, with assistance from the Legal, Consumer, and Administration Divisions, continued its comprehensive examination of the state of competition from 2005 through 2010 in the Second Competition Report, which is scheduled for release in 2012. This Report builds on the data analyses found in the Department's initial Competition Report, which was issued February 12, 2010.

Consumer Education and Public Information

The Competition Division devotes substantial staff time to explaining the Department's regulations and policies to potential and existing providers of telecommunications and cable services, local and state officials, state and federal legislators, other Massachusetts agencies, the FCC and other state public utility commissions, and various other constituencies. Staff also devotes significant time to consumer inquiries and refers consumers to the Consumer Division for additional assistance. From time to time, the Department requires telecommunications carriers to develop customer education materials explaining major changes in the provision of services. The Competition Division reviews these education materials for technical accuracy. As needed, staff develops educational materials in response to industry changes, Consumer Division requests, or Department Orders. In 2011, Competition Division staff updated the DTC Telephone Guide and assisted in the Department's ongoing investigation into consumer protection rules.

Legal Division

Overview

The Legal Division staff serves as the chief legal and policy advisor to the Commissioner and provides legal support to all Divisions of the Department.

Division Responsibilities

Formal Adjudication

The Legal Division's primary duty is presiding over adjudicatory proceedings conducted under the Massachusetts Administrative Procedures Act (M.G.L. c. 30A) and the Department's procedural regulations (220 C.M.R. § 1.00 et seq.). During 2011, the Legal Division participated in the issuance of 12 Final Orders. A list of the Orders issued is attached as Appendix A. Adjudications are the formal determination of parties' rights through an administrative hearing process. All parties –the party(ies) filing the action and any respondents or intervenors – are entitled to due process safeguards, meaning that the parties are entitled to adequate notice and the opportunity to be heard. Parties to the action have the right to present evidence, cross-examine witnesses, and receive a written decision from the Department. Pursuant to M.G.L. c. 25C, § 4, the Commissioner of the Department may designate an employee of the Department to act as "Presiding Officer" at Department hearings.

Adjudicatory proceedings vary in complexity, including the following types of proceedings:

- Service quality issues;
- Ratemaking, including cable rate and telecommunications tariff orders;
- “Slamming” (unauthorized switch of a consumer’s telecommunications service);
- Interconnection disputes between telecommunications carriers;
- Certification of telecommunications carriers to do business within the Commonwealth;
- Certification of telecommunications carriers as “eligible telecommunications carriers” entitled to receive Universal Service Funds from the federal government; and
- Formal Consumer Adjudications.

In conducting a formal adjudicatory proceeding, the Department generally holds two types of hearings: (1) a public hearing, and (2) an evidentiary hearing. Public hearings are publicized throughout the provider's service territory. In certain types of cases, public hearings are conducted in a provider’s service territory. Public hearings are transcribed by a stenographer. If conducted in a provider’s service territory, public hearings are typically conducted during the evening in an easily accessible public building such as the Town Hall, and are overseen by a Presiding Officer. Otherwise, public hearings are typically conducted at the Department’s Boston office, or another convenient downtown Boston location. The public hearings afford local consumers the opportunity to learn more about a rate request, offer their input about the pending case, and comment on the practices of the provider. Residential and business customers, as well as Municipalities are a valuable source of information to the Department in developing a case record.

Evidentiary hearings are conducted in a courtroom setting in the Department’s Boston office. These proceedings are also transcribed by a stenographer. A hearing officer, appointed by the Commissioner, presides over evidentiary hearings, with the active participation of the Department’s technical and legal staffs. Staff members participate by questioning witnesses to ensure that the record is accurate and complete, while the hearing officer controls the conduct of the proceeding.

While the adjudicatory process does not require adherence to all formal rules of evidence, the evidentiary hearing process follows rules that mirror many of the civil procedure rules used by Massachusetts courts, and parties are typically represented by counsel.

Evidentiary hearings afford all parties, including intervenors, the opportunity to question witnesses. In many cases, the Attorney General of the Commonwealth is an intervenor. Other intervenors may include public interest organizations and local consumer, business, or neighborhood groups. Sometimes intervenors put on a direct case with witnesses of their own. Based on the evidence in the record, the Department issues a Final Order at the conclusion of each adjudicatory proceeding. Pursuant to M.G.L. c. 25, § 5 and M.G.L. c. 166A, § 2, the Department’s Final Orders are appealable directly to

the Massachusetts Supreme Judicial Court without intermediate appellate review. In certain circumstances, Department Orders may also be appealed to the Federal District Court or the FCC.

Other Types of Adjudication

Requests for Advisory Ruling

The Department is sometimes called upon to issue advisory rulings with respect to the applicability of any statute or regulation enforced or administered by the Department. The Department has discretion to decline a request for an advisory ruling. See M.G.L. c. 30A, § 8; 220 C.M.R. § 2.08.44.

Rulemaking

The Department conducts rulemaking pursuant to M.G.L. c. 30A, §§ 4-10 and 220 C.M.R. § 2.00, to adopt, amend or repeal regulations pertaining to the activities of all industries the Department is charged by statute with regulating. A rulemaking proceeding may involve simple procedural regulations or may address complex regulatory issues. The Department is required to provide public notice of a proposed rulemaking and to allow an opportunity for public comment. After consideration of the public comment, the Department may issue final regulations. Any final regulation must be published in the Code of Massachusetts Regulations.

Consumer Division

Overview

The Consumer Division's primary responsibilities include enforcing and monitoring compliance with Massachusetts laws and Department regulations and policies to protect consumers of telecommunications and cable services. Hundreds of companies fall within the scope of the Consumer Division's regulatory authority, with the largest number in the telecommunications industry.

Since September 2009, the Consumer Division has primarily handled issues involving telecommunications and cable. However, due to its former role handling energy-related issues on behalf of the Department of Public Utilities ("DPU"), the Consumer Division continues to provide consumers seeking to contact the DPU with either referrals to that agency or transferring them directly to their energy utility using Nuance, our automated telephone system. See Attachment B for the breakdown of Consumer Division statistics for companies related to telecommunications, cable and other industries which includes those that were DPU energy-related.

Division Responsibilities

Enforce Consumer Protections:

The Consumer Division Billing and Termination

- Inform consumers of their rights
- Company compliance with rules
- Assures consumers have a place to go to dispute
- Arbitrate but successful negotiations

Respond to Consumer Inquiries

The Consumer Division conducts complaint investigations, responds to inquiries, and participates in the critical role of informing and educating consumers about various technological changes affecting their telecommunications and cable services. The Consumer Division's most important duty is to respond to the roughly 100 telephone contacts it receives daily. Consumers may contact the Division by telephone, mail, email, and fax or by visiting the office, although the vast majority of consumer contacts are made by telephone. Contacts to the Consumer Division are further categorized as either inquiries or referrals, for which we provide information, or complaints which we investigate as cases that require direct involvement with consumers' service provider.

The Consumer Division operates a call management telephone system allowing consumers to receive personal and prompt attention by staff to answer inquiries and complaints, while also permitting for the option of automated voice response assistance to those consumers who initially wish to speak directly with their service provider. The call management system assists with making Consumer Division Specialists more readily available to those callers requiring Consumer Division expertise. It also allows for a menu recorded in Spanish for those callers that wish to speak to a representative in their native language.

The Consumer Division receives a number of contacts that the Division classifies as "unregulated matters." These contacts typically consist of miscellaneous issues that are either unassociated with a particular company or involve non-regulated issues or entities outside of the Division's jurisdiction. Examples of such "unregulated matters" include contacts relating to wireless, satellite, internet, telemarketing, and collection agency practices.

Investigate and Resolve Consumer Complaints

The majority of complaints received in the Consumer Division concern billing disputes, or quality of service allegations. In cases where the company is found to be at fault, the Consumer Division will order the company to correct the problem and make any necessary refunds or credits to consumer bills.

Every complaint opened by the Consumer Division must be resolved before it can be closed. If the residential telephone consumer or the service provider is not satisfied with the investigator's resolution of a complaint, a request for additional mediation via an informal hearing is scheduled within the Consumer Division. Parties dissatisfied with the informal written decision issued on the complaint may request a formal adjudicatory hearing conducted by a hearing officer in the Department's Legal Division

The unauthorized switching of a consumer's telephone service provider is known as "slamming" and is a violation of state law M. G.L. ch. 93 §§108 to 113. Companies that engage in slamming may be subject to a fine. The Consumer Division enforces both federal and state laws prohibiting "slamming". If the Department determines that an unauthorized switch has occurred, consumers will receive a refund of any unauthorized charges that they paid. Under Massachusetts law, consumers must bring telephone service slamming complaints within 90 days.

Advise the Department

The Consumer Division alerts the Department to important consumer issues including significant complaint trends and new company practices which may impact consumers. Recent complaints about deceptive marketing and advertising practices of promotional offers have caused the Department to examine more closely the full disclosure and notice requirements. Also, the Division evaluates existing billing and termination rules for residential telephone consumers to better assist with customer service standards for telecommunications, cable, and emerging technologies.

Review Bills and Notices

The Consumer Division reviews certain telecommunication and cable company billing material and customer notices to ensure that they provide consumers with clear and accurate information.

Provide Consumer Education

The Department's website is regularly updated to provide consumers with information about significant complaint trends, (examples include Cramming, Slamming, Spoofing, and Lifeline), to educate the public and protect consumers against scams, unauthorized charges or unfair billing practices. Also, the Consumer Division fields many calls from consumers requesting information or applications about Lifeline/Linkup program to obtain a discount on their landline or wireless telephone service. The Consumer Division actively participates in outreach events to promote awareness and increase consumer participation in programs as well as stay informed of their consumer protections. The Consumer Division along with Administration regularly provides targeted communities with mass mailings of its brochures.

Compile Statistics

The Consumer Division provides statistical information to the Department, industry-related companies, government representatives and the media. The statistical complaint data compiled by the Consumer Division provides an important basis for determining whether fines should be levied against a company for failure to meet required service quality benchmarks. Statistical complaint data may also provide evidence of fraud or unfair trade practices, and if so this information would be shared with the state Attorney General's Office.

2011 Telecommunications and Cable Accomplishments

- Responded to 22,339 inquiries;
- Investigated 3,074 telecommunication and cable complaints along with 297 unregulated industries complaints;
- Authorized \$118,622.62 consumer refunds;
- Monitored complaint trends and advised the Department on important consumer issues;
- Approved various bill notices and billing inserts;
- Provided consumer education and outreach forums to promote awareness of Lifeline and Link Up discounted telephone programs, and produced Lifeline brochures for mass distribution;
- Created and distributed Telephone Brochure and Cable Service Buying Guide to assist consumers to understand making purchases for telephone and cable services;
- Compiled statistics for reporting and informational purposes; and
- Participated in a national effort to increase awareness of Lifeline/Link Up by hosting several outreach events in September 2011 in Boston, Lawrence and Worcester.

The Consumer Division assisted consumers with energy-related matters by referring them to the DPU or directly to the appropriate utility company.

- Responded to 1,855 energy related contacts for the year

Additionally, the Consumer Division assisted consumers with issues that are outside of the Department's jurisdiction (e.g., wireless, satellite television, etc.) by contacting their company to inform and/or resolve the issue.

- Responded to 676 contacts for the year;
- Investigated 278 complaints for the year; and
- Authorized \$10,085.63 consumer refunds for the year.

Note: The Consumer Division's contact numbers for the year include calls received that were transferred directly to companies through the Department's automated telephone software. Through this software, callers are directly transferred to a utility company or a telecommunications or cable provider of their choice simply by speaking the name of

the company they wish to contact. In 2011, approximately 22,339 consumers were re-directed to the appropriate company for assistance.

Appendix A

Department Orders Issued in 2011

Docket No.	Caption	Date Order Issued	Date Closed
06-1	Competitive Franchise Rulemaking - Petition by Verizon New England Inc. to commence a rulemaking pursuant to M.G.L. c. 30A, § 4, c. 166A, § 16, and 207 C.M.R. § 2.01(1) to amend 207 C.M.R. § 3.00 et seq.: Licensing.	7/6/2011	7/26/2011
06-8	Investigation by the Department of Telecommunications and Energy on its own Motion to establish Retail Billing and Termination Practices for Telecommunications Carriers.	6/30/2011	7/20/2011
09-1	Regional Service Quality Investigation into Verizon New England's Basic Service Quality in Western Massachusetts	2/10/2011	2/10/2011
09-2	BLC Management d/b/a Angles Communications Solutions Application for Designation as an Eligible Telecommunications Carrier	8/23/2010	4/21/2011 ⁵
09-11	Time Warner cable Rate Proceeding regarding the communities served that are subject to rate regulation.	12/15/2010	1/6/2011
10-5	Petition of Verizon New England for amendment to its PAP Audit.	11/18/2011	12/8/2011
10-7	Petition of Charter Communications to establish and adjust the basic service tier programming, equipment and installation rates for the communities served by Charter that are currently subject to rate regulation.	7/8/2011	7/28/2011
10-10	Cox Communications annual rate filing proceeding for the community of Holland MA	10/12/2011	11/11/2011
10-11	Virgin Mobile USA, L.P.'s Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of Massachusetts.	9/9/2011	9/29/2011

⁵ The petitioner in this docket initially appealed the DTC's determination of the matter, but then withdrew the appeal while it was pending.

Docket No.	Caption	Date Order Issued	Date Closed
11-2	Petition of the State 911 Department for approval of Fiscal Year 2012 Incentive Grant Regional Emergency Communications Center Category Amount; State 911 Department Emergency Medical Dispatch Grant; and fiscal year 2011 Expenditures	5/27/2011	6/16/2011
11-3	Conexions LLC., d/b/a Conexion Wireless' Petition for Designation as an Eligible Telecommunications Carrier	11/3/2011	11/3/2011
11-14	In re Petition of Cellco Partnership, d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, T-Mobile Northeast LLC, Sprint Spectrum L.P., Nextel Communications of Mid-Atlantic, Inc., Virgin Mobile USE, L.P. and CTIA – The Wireless Association, to Investigate Global Tel*Link Corporation Tariff Revision for M.D.T.E. Tariff No. 2, Pursuant to G. L. c. 159, § 14, and 220 C.M.R. § 1.04(1)(d).	11/4/2011	11/24/2011

Appendix B

2011 Consumer Division Telecommunications & Cable Statistics

INDUSTRY	COMPANY	Cases	Referral	Nuance	Adjustments
Cable					
	Charter Cable	84	54	174	\$3,211.86
	Comcast Corp.	859	1880	8323	\$29,802.88
	Cox Cable	1	0	33	\$0.00
	RCN Cable	66	453	1670	\$2,951.29
	Russell Cable	1	0	7	\$0.00
	Shrewsbury Cable	2	3	4	\$0.00
	Time Warner Cable	15	47	229	\$197.36
	Tufts University Cable	0	0	7	\$0.00
	Total	1,028	2,437	10,447	\$36,163.39
Not Applicable					
	AT&T Wireless	14	5	0	\$126.16
	Tracfone Wireless	2	1	0	\$0.00
	Department of Public Utilities	10	538	1257	\$0.00
	DirectTV	9	59	0	\$0.00
	DISH Network-Satellite TV	3	7	0	\$0.00
	Do Not Call List	8	16	0	\$0.00
	Other	8	5	0	\$42.90
	Small Business America	1	0	0	\$1,771.32
	T-Mobile	10	1	0	\$0.00
	Verison DSL	84	18	0	\$3,322.21
	Verizon FIOS	97	11	0	\$3,354.06
	Verizon Wireless	30	14	0	\$1,468.98
	Vonage - VOIP Services	2	1	0	\$0.00
	Total	278	676	1,257	\$10,085.63
Telecommunications					
	01 Communications	0	2	0	\$0.00
	ACCX Communications	0	1	0	\$0.00
	ACN	3	2	0	\$849.06
	Adelphia Telecommunications	0	1	0	\$0.00
	Advantage Telecommunications, Inc.	1	0	0	\$0.00
	American Telecom Systems, Inc.	1	0	0	\$176.00
	America's Tele-Network, Corp		3	0	\$0.00
	Assurance Wireless by Sprint/Virgin	43	171	0	\$0.00
	AT&T	90	81	276	\$3,314.64
	Broadview Networks	6	1	0	\$1,209.97
	CHARTEL (Charter Fiberlink Telecom)	3	4	0	\$0.00
	Comcast Phone, LLC	14	5	38	\$95.72
	Cordia Communications Corp.	26	39	0	\$931.46
	Enhanced Services Billing, Inc.	18	1	0	\$1,088.87
	Evercom Systems, Inc.	1	0	0	\$0.00
	Excel/Vartec	1	0	0	\$0.00
	Fairpoint Communications	1	0	0	\$0.00

INDUSTRY	COMPANY	Cases	Referral	Nuance	Adjustments
Telecommunications	FCC	1	24	0	\$0.00
	Global Crossing Telecom	3	1	0	\$23.17
	Global Tel*Link Corporation (GTL)	43	0	0	\$0.00
	Granby Telephone Company	2	5	0	\$0.00
	IDT Corporation		5	0	\$0.00
	ILD - Evercom - Talton - Invision	19	2	0	\$525.21
	Legacy Long Distance International Inc	1	0	0	\$0.00
	LegentCommunications dba Long Dist. Amer	0	0	0	\$14.01
	Level 3 Communications LLC	2	0	0	\$0.00
	Lifeline Applications and Issues	20	8	0	\$0.00
	MCI-Agency Relations	3	1	0	\$6,380.14
	Metropolitan Telecommunications	3	1	0	\$0.00
	New Horizon Communications Corp.	1	0	0	\$0.00
	Northstar	1	9	0	\$0.00
	One Communications	27	36	0	\$7,491.99
	One Touch Communications	10	6	0	\$315.83
	One Touch Communications dba Spectrotel	2	1	0	\$19.85
	Operatir Assistance Netwk	9	1	0	\$171.14
	OTHER COCOTS	1	1	0	\$0.00
	Other Telephone Co.	24	20	0	\$319.30
	PaymentOne	8	0	0	\$895.46
	Primus Telecommunications, Inc.	1	5	0	\$0.00
	PT 1 Communications	0	1	0	\$0.00
	Qwest Communications	1	0	0	\$0.00
	RCN Telephone	8	9	0	\$56.34
	Richmond Networx	1	0	2	\$0.00
	SafeLink by <i>TracFone</i>	142	54	0	\$0.00
	Silv Communications Inc.	1	0	0	\$302.62
	SPRINT	4	5	26	\$662.89
	Startec Global Communications	1	2	0	\$0.00
	Taconic	0	0	6	\$0.00
	Teleuno, Inc.	1	2	0	\$72.75
	Transaction Clearinghouse	6	0	0	\$359.82
	Trinsic Communications, Inc.	1	0	0	\$0.00
	USBI	11	1	0	\$192.36
	Verizon	1470	2866	10287	\$45,183.10
	Working Assets Long Distance	0	1	0	\$0.00
	WorldCom Network Services, Inc.	1	0	0	\$348.20
	XO Communications, Inc.	5	2	0	\$311.62
	Zero Plus Dialing aka ZPDI	3	2	0	\$27.77
	Zone Telecom, Inc.	1	0	0	\$0.00
	Total	2,046	3,379	10,635	\$71,339.29
Unknown					
	Unknown	11	0	0	\$0.00
	Unregulated Industry	8	3	0	\$1,034.31
	Total	19	3	0	\$1,034.31
Grand Total for all industries		3,371	6,454	22,339	\$ 118,622.62

Appendix C

2011 Department FCC Filings

Note: All Department filings are available through the Department, as well as through the FCC's publicly-accessible Electronic Comment Filing System, which is available online.

This list does not include requisite annual certifications and filings.

Date Filed	Filed As	FCC Docket	Filing Type	Filing Description
12/05/11	DTC	WC 11-42 and 03-109	Reply Comments	The MDTC supported USAC's proposal to adopt a low-income disbursement process for ETCs based on actual support, since such an approach already conforms to existing protocols and would foster better accounting practices and regulatory predictability. The MDTC urged the FCC to accept USAC's proposal to reduce the low-income revision window to six months. Finally, the MDTC encouraged the FCC's Wireline Bureau and OMD to coordinate any reporting changes to those that may arise in the FCC's anticipated low-income order.
11/10/11	DTC	WC 11-42 and 03-109; CC 96-45	Ex Parte Notice	Notice of ex parte involving MDTC and FCC staff. Staff discussed issues involved in the FCC's USF low-income support dockets and DTC staff noted certain trends across the states regarding recent limited ETC petitions filed with different state agencies. The letter includes an attachment listing a sample of different recent state ETC petitions.
10/24/11	Joint	CG 11-116 and 09-158; CC 98-170	Comments	The MDTC drafted and signed onto comments with NECPUC and the RI Div. of Pub. Utils. (jointly New England Commissions) responding to the FCC's proposed federal cramming rules, urging certain federal cramming protections for consumers of all voice providers, regardless of technology used. These comments provided state-specific breakdowns of cramming numbers and trends and provide a brief snapshot of the state of competition in New England. The New England Commissions supported the "moderate approach" proposed by the FCC, but only if certain requirements were met. The New England Commissions supported timelines and a process for limited waiver in order for carriers

Date Filed	Filed As	FCC Docket	Filing Type	Filing Description
				to implement the rules that are reasonable but urged the FCC to carefully consider its proposal to include contact information on consumer bills. The comments also encouraged the FCC to consider how its numbering authority could be used to further support cramming rules imposed on voice and third party vendor providers. Finally, the New England Commissions supported a federal-state collaborative approach where (1) the Commission clearly specifies that its new rules would not preempt states' consumer protection or other regulatory authority; (2) state and federal agencies voluntarily share cramming complaints and data; and (3) the FCC requires providers to report complaint trends and spikes involving specific third-party vendors to appropriate federal and state agencies that so request.
09/16/11	DTC	WC Docket Nos. 10-90, 07-135, 05-337, 03-109; CC Docket No. 01-92, 96-45, GN Docket No. 09-51; WC Docket No. 11-42	Ex Parte Notices	Notices of ex partes conducted between MDTC Commissioner Why and FCC Commissioners Clyburn and Copps, Bureau Chief Sharon Gillett, and other FCC staff.
09/06/11	DTC	GN 11-121	Comments	The MDTC responded to the FCC's notice of inquiry on its annual 706 (broadband deployment report). The MDTC urged the FCC to expand its assessment of broadband availability to include all community anchor institutions (CAI) because of the vital nature of these institutions in local communities; to collect broadband pricing data and consider affordability as a factor when evaluating the availability of advanced telecommunications capability; and finally, to maintain the technology-neutral speed benchmark of 4 Mbps download and 1 Mbps upload used in the previous Sixth and Seventh Broadband Progress Reports.

Date Filed	Filed As	FCC Docket	Filing Type	Filing Description
09/02/11	DTC	WC 11-42; CC 96-45; WC 03-109	Reply Comments	The MDTC responded to FCC inquiries on 4 additional issues in the Lifeline proceeding. The MDTC generally supported the use of Lifeline funds for a broadband pilot program and encourages the FCC to adopt a pilot framework that is not technology-specific and permits innovative approaches. The MDTC noted that whether an eligible telecommunications carrier (ETC) should be allowed to charge a Link Up activation fee is an active issue in a pending MDTC ETC certification proceeding, but the MDTC respectfully requested that the FCC's upcoming order respect non-default state ETC authority on this issue. The MDTC urged the FCC to also permit states to set higher sampling levels for eligibility verification. Finally, the MDTC urged the FCC to adopt exceptions to the one-per-residence rule to ensure that otherwise eligible consumers in group-living arrangements (such as shelters) are not denied support.
08/24/11	DTC	WC 10-90, 07-135, 05-337, 03-109; CC 01-92, 96-45; GN 09-51	Comments	The MDTC responded to additional issues raised by the FCC in the comprehensive USF/ICC reform proceedings - in particular responding to the price cap ILEC "ABC Plan". The MDTC discussed MA-specific actions and numbers, especially Massachusetts as a net-contributor state into the federal USF. The MDTC urged the FCC to adopt additional state principles to guide reform involving: (1) consumer benefit; and (2) state roles. MDTC discussed how ABC Plan will increase consumer telephone rates via SLC increases and will likely decrease competition; and that the ABC Plan would inappropriately preempt state authority over intrastate rates, COLR obligations, and ETC designations. Finally, the MDTC urged the FCC to cap the high-cost fund, ensure a more equitable distribution of USF support, and supports a continued state role in USF oversight and data collection.
08/08/11	DTC	PS 11-82	Comments	The MDTC supported the FCC's proposal to extend its existing outage reporting requirements to interconnected VoIP providers and broadband ISPs, indicating that such an

Date Filed	Filed As	FCC Docket	Filing Type	Filing Description
				approach would benefit residential and business consumers for reasons inclusive of public safety.
07/20/11	DTC	WT 11-65	Ex Parte Comments	The MDTC filed a redacted version of its AT&T Reply Comments and disputes the confidential treatment of previous filing. Cover letter and Redacted are separate links.
06/20/11	DTC	WT 11-65	Reply Comments	The MDTC submitted comments on the proposed merger between T-Mobile and AT&T. The MDTC supported the NY PSC's use of the HHI index and its analysis (for NY and NYC). The MDTC offered its own analysis for MA using the index, finding HHI values for the Boston Metro and total Massachusetts areas exceeded the FCC's threshold triggers. The MDTC recommended that the FCC place similarly-impacted economic areas under additional scrutiny on an additional case-by-case, competitive analysis.
04/21/11	DTC	WC 11-42; CC 96-45; WC 03-109	Comments	The MDTC responded to a rulemaking seeking comments on various proposals to reform and modernize the Lifeline and Link Up program ("Program"). The MDTC comments were limited in scope because of the ongoing MDTC Lifeline investigation, e.g. limited comments on certification and verification and outreach requirements. The MDTC supported the FCC's proposed performance goals plus the additional goal of advancing the availability of broadband. The MDTC supported various proposed reforms designed to protect against waste, fraud, and abuse, and improve Program administration. The MDTC supported the FCC's proposal to codify the one-per-residential-address rule with the caveat that the FCC must adopt clear exceptions for otherwise eligible individuals living in commercial zones, tribal lands, and group living situations. The MDTC expressed caution against a proposal to require all states to use the federal default eligibility criteria. Finally, the MDTC supported expanding the Program to broadband.
04/15/11	DTC	WC 10-90; GN 09-51; WC 07-135;	Comments	The MDTC responded to a rulemaking on comprehensive ICC/USF reform. The MDTC urges the FCC to adopt the new universal

Date Filed	Filed As	FCC Docket	Filing Type	Filing Description
		WC 05-337; CC 01-92; CC 96-45; WC 03-109		service principle recommended by the Joint Board (supporting networks that support advances, as well as voice, services); supports restraining the size of the Fund through a two-part cap (freezing the Fund and setting a per-line cap); supports an exemption whereby certain states such as Massachusetts would be eligible to redirect existing funding to broadband; supports elimination of the identical support rule and approves of redirecting support to the CAF and to more immediate reduction of the Fund's size. Further, the MTDC urges the FCC that, if it forbears from applying the ETC requirement for USF support, then it should ensure that states have the opportunity to have a lead role in provider selection and oversight. Finally, the MDTC disputes the FCC's legal authority to bring all traffic under reciprocal compensation (s. 251(b)(5)). To the extent that the FCC revisits its interstate access regime and its existing recip comp methodology, the MDTC urges the FCC to give states sufficient time to implement reforms.
03/30/11	DTC	WC 11-10; WC 07-38; WC 08-190; WC 10-132	Comments	The MDTC submitted comments supporting expansion of the Form 477 reporting obligations and makes recommendations with regard to deployment, pricing, and subscribership data.
03/23/11	DTC	WC 09-109; CC 95-116	Comments	The MDTC lent support to the NANC/NAPM Consensus Proposal for Clarification of the FCC's Rules Regarding the LNPA Selection Process and requests clarification from the FCC on two points.
01/10/11	NECPUC	CC 10-207; CG 09-158	Comments	The MDTC drafted and signed onto comments as NECPUC. These comments responded to a Bill Shock rulemaking issued by the FCC. NECPUC supported the FCC's proposed rules, indicating that they are an important first step in broader wireless consumer protections. Further, NECPUC urged the FCC to refine its proposed rules and adopt certain additional requirements modeled after the EU usage alert regulations. In addition, NECPUC recommended that the FCC ensure regulatory parity and predictability by mandating that usage alerts and disclosures be applicable to all

Date Filed	Filed As	FCC Docket	Filing Type	Filing Description
				mobile communications services provided by all mobile service providers. NECPUC indicated that a transition period for mobile service providers to comply with the new requirements would be reasonable. Finally, NECPUC further recommended that the FCC: (1) clearly specify that its regulations would not preempt states' consumer protection authority or their ability to institute new protections or regulations for carriers operating in their states; and (2) ensure federal-state collaboration for broader wireless consumer protection reform.